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LAW DEPARTMENT

NOTIFICATION

The 8th May 2009

No. 5502 - I. Legis.10/09/L.—The following Rules of Government of India made by the Ministry of Law & Justice, (Department of Legal Affairs) on the 24th February, 2009 and published by the aforesaid Department in the Gazette of India Extraordinary, Part-II, Section-3, Sub-section (i) dated the 24th February, 2009 is hereby republished for general information.

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

NOTIFICATION

New Delhi, the 24th February, 2009

G.S.R. 114 (E).—In exercise of the powers conferred by Section 15 of the Notaries Act, 1952 (53 of 1952), the Central Government hereby makes the following rules further to amend the Notaries Rules, 1956, namely:—

1. (1) These rules may be called the Notaries (Amendment) Rules, 2009.

(2) They shall come into force on the 1st day of March, 2009.

2. In rule 4 of the Notaries Rules, 1956 (hereinafter referred to as the said rules), for sub-rule (1), the following sub-rule shall be substituted namely:—

“(1) a person may make an application for appointment as a notary (hereinafter called “the applicant”), through the concerned District Judge or the Presiding Officer of the Court or Tribunal where he practises as an Advocate, in the Form of memorial addressed to such officer or authority (hereinafter referred to as the “competent authority”) of the appropriate Government as that Government may, by notification in the Official Gazette, designate in this behalf.”;

3. In rule 6 of the said rules, for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) the competent authority shall examine every application received by him and if he is satisfied that the application is not complete in all respects or the applicant does not posses the qualifications specified in rule 3, or that any previous application of the applicant for appointment as a notary was rejected within six months before the date of the application, shall reject it summarily and inform the applicant accordingly.”;

4. In rule 7 of the said rules, for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) the competent authority shall, after holding such inquiry as he thinks fit and after giving the applicant an opportunity of making his representations against the objections, if any, received within the time fixed under sub-rule (2) of rule 6, make a report to the appropriate Government recommending that the applicant may be allowed to appear before the Interview Board.”;

5. After rule 7 of the said rules, the following rules shall be inserted, namely:—

“**7A. Constitution of the Interview Board.**—(1) If the appropriate Government allows that the applicant may be asked to appear before the Interview Board, the competent authority shall inform the applicant to appear before the Interview Board, on the date, time and place fixed, to judge the competency of the applicant for being appointed as a Notary. The Interview Board shall submit its recommendations to the appropriate Government.

(2) For the said purpose, a three members Interview Board shall be constituted by the appropriate Government from amongst its officers dealing with legal matters. The Chairperson of the Interview Board shall not be an officer below the rank of Joint Secretary of that Government.

7B. Transitional provision.—(1) All the memorials received by the Competent Authority till 28th February, 2009 and which are pending shall be processed/examined in accordance with the provisions of the rules as amended by the Notaries (Amendment) Rules, 2009.:

(2) The fresh memorials shall only be submitted on or after 1st July, 2009.”

6. In rule 8 of the said rules, in sub-rule (1), for the words, “On receipt of the report of the Competent Authority the appropriate Government shall consider the report and shall—”, the words, “On receipt of the recommendations of the interview board the appropriate Government shall consider the recommendation and shall—.”

[F No. 5 (271)/2000-NC]

R. RAGUPATHI, Jt. Secy.

Note:—The Principal Rules were published in the Gazette of India, Part II, Section 3, Sub-section (i) vide number S.R.O.324 dated the 14th February, 1956 and subsequently amended by G.S.R.370(E) dated the 8th July, 1997, G.S.R. 547(E) dated the 31st August, 1998, G.S.R.17 (E) dated the 5th January, 2000, G.S.R. 262(E) dated the 28th March, 2000, G.S.R.630(E) dated the 21st July, 2000, G.S.R.172 (E) dated the 12th March, 2001, G.S.R.330(E) dated the 9th May, 2001, G.S.R.460(E) dated the 25th June, 2001 G.S.R.464(E) dated the 9th June, 2003, G.S.R.464(E) dated the 9th June, 2003, G.S.R. 296 (E) dated the 19th May, 2006, G.S.R. 501(E) dated the 24th August, 2006, G.S.R.73(E) dated the 9th February, 2007, G.S.R. 86 (E) dated the 14th February, 2007, G.S.R.319(E) dated the 1st May, 2007 read with G.S.R.330 (E) dated the 8th May, 2007, G.S.R. 686(E) dated the 31st October, 2007, G.S.R. 51(E) dated the 23rd January, 2008, G.S.R.636(E) dated the 3rd September, 2008, and G.S.R. 764 (E) dated the 3rd November, 2008.

By order of the Governor
B.K.NAYAK
Principal Secretary to Government